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**IDENTIFICATION OF NATURAL RESOURCE  
TRUSTEES**

**10/13/93**

**DOE-2005-93  
DOE-FN/ARMY CORP ENGINEERS  
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LETTER**



**Department of Energy**  
**Fernald Environmental Management Project**

P.O. Box 398705  
Cincinnati, Ohio 45239-8705  
(513) 738-6357

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Mr. Herbert Harback  
District Engineer  
Army Corps of Engineers  
Louisville District  
Louisville, Kentucky 40201

**IDENTIFICATION OF NATURAL RESOURCE TRUSTEES**

Dear Mr. Harback:

I am writing to you regarding the identification of Natural Resource Damage Trustees for the Fernald Environmental Management Project (FEMP). Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provides for the designation of Federal and State trustees who shall be responsible for the assessment of potential damages for injury to, destruction of, loss of, or threat to natural resources, as a result of a release of a hazardous substance or a discharge of oil.

The United States Environmental Protection Agency (U.S. EPA) has determined that the Consent Agreement, as amended under CERCLA §§ 120 and 106(a), identifies the U.S. Department of Energy (DOE) as the responsible party within the meaning of Section 107 [Consent Agreement as amended, VII(B)(5)]. The Army Corps of Engineers may have trusteeship for certain resources, and under CERCLA, may be entitled to act in the trustee capacity. As such, DOE requests that you indicate how you wish to participate in future natural resource trustee activities involving the FEMP site. Following the identification of interest by the Natural Resource Trustees, we plan to initiate a series of meetings to address the natural resource damage assessment process.

In managing the facilities, the DOE is charged with the dual role of CERCLA lead agency and natural resource trustee. The Consent Agreement, as amended between DOE and U.S. EPA, governs the Remedial Investigation and Feasibility Study (RI/FS) process for the FEMP. For efficient management of the CERCLA activities, the site has been divided into five Operable Units. The RI/FS process requires the development of baseline risk assessments for each of the site's operable units, and will include ecological and environmental data. Operable Unit 5 is responsible for the sitewide ecological risk assessment which may identify impacts to natural resources resulting from activities of DOE and its predecessor agencies. The Consent Agreement as amended further requires the coordination of plans, studies, and assessments of hazardous sites. This coordination is currently being conducted by DOE and U.S. EPA, with the assistance and cooperation of the Ohio Environmental Protection Agency (OEPA).

DOE is very interested in working with you in our natural resource efforts. If you are interested in participating in the trustee activities, please contact Pete Yerace, the DOE Authorized Official for the FEMP, at (513) 648-3161.

Sincerely,

  
J. Phil Hamric  
Manager

cc:

J. A. Saric, U.S. EPA  
K. A. Chaney, EM-424 TREV  
K. L. Alkema, FERMCO/65-2  
J. K. Mailander, FERMCO/19  
S. Huff, U.S. Dept. of Interior  
D. R. Schregardus, OEPA  
W. Kurey, U.S. Fish and Wildlife Services  
Administrative Record, FERMCO